UNITED
NATIONS

CCPR

International Covenant on
Civil and Political Rights

Distr.
GENERAL

CCPR/C/SR.1393
7 April 1995

ORIGINAL: ENGLISH

HUMAN RIGHTS COMMITTEE

Fifty-third session

SUMMARY RECORD OF THE 1393rd MEETING

Held at Headquarters, New York,
on Thursday, 23 March 1995, at 10 a.m.

Chairman: Mr. AGUILAR

later: Mr. BÁN
(Vice-Chairman)

later: Mr. AGUILAR
(Chairman)

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Third periodic report of New Zealand

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Office of Conference and Support Services, room DC2-794, 2 United Nations Plaza.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

95-80480 (E)

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Third periodic report of New Zealand (CCPR/C/64/Add.10 and HRI/CORE/1/Add.33)

1. At the invitation of the Chairman, Mr. Keating, Mr. Rata and Ms. Rush (New Zealand) took places at the Committee table.

2. Mr. KEATING (New Zealand), introducing the third periodic report of New Zealand (CCPR/C/64/Add.10), referred to a number of significant developments during the reporting period which had enhanced the legislative and administrative framework for the protection of human rights. In preparing the third periodic report, New Zealand had taken into account the observations made by the Committee during the consideration of its second periodic report. The review period had witnessed the adoption of the Abolition of the Death Penalty Act 1989, which implemented the second Optional Protocol of the Covenant; the New Zealand Bill of Rights Act 1990, which made protection of human rights statutory; the Privacy Act 1993; the Human Rights Act 1993, which consolidated the Race Relations Act 1971 and the Human Rights Commission Act 1977; and the Employment Contracts Act 1991, which enabled employees to choose their representatives and to opt for either collective or individual negotiation of employment contracts.

3. At the international level, New Zealand had acceded to the first Optional Protocol to the Covenant, with effect from August 1989; ratified the second Optional Protocol to the Covenant, with effect from July 1991; ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in December 1989; and ratified the Convention on the Rights of the Child in March 1993. During the review period, the rights of the Maori were further strengthened, in particular, through the consideration of claims by the Waitangi Tribunal, the establishment of a new mechanism for direct negotiation of Maori claims and the introduction of the Maori Option as part of electoral reforms. The electoral reforms had also included the adoption of a new system of mixed member proportional representation in Parliament. During the same period, refugee application procedures had been reformed and a Refugee Status Appeals Authority had been established.

4. Referring to developments since January 1994, he said that the Court of Appeal, in two decisions, had held that the New Zealand Bill of Rights Act could give rise to claims for civil damages. (The Bill itself contained no specific provisions in that regard.) In 1994, the Privacy Commissioner had continued his work and a Government Computer Services Information Privacy Code and Health Information Privacy Code were adopted. The Copyright Act 1994 provided additional protection for privately commissioned photographs and films. Under the Penal Institutions Act 1994, the private sector could provide services under contract with the Crown. The Act also guaranteed that the rights of all inmates would remain subject to the New Zealand Bill of Rights Act.

5. The Health and Disability Commissioner Act 1994 protected the rights of health and disability service consumers and facilitated the resolution of complaints relating to those rights. The Domestic Violence Bill, introduced into Parliament in December 1994, extended protection against a wide range of physical, sexual and psychological abuses to sex partners, family and household members and those living in close personal relationships. It also provided for state-funded counselling and stricter penalties. A bill to strengthen the protection of minors would be introduced into Parliament during its 1995 session. The bill would contain provisions prohibiting sexual activities by New Zealanders with children in other countries and prohibiting the organization in New Zealand of child sex tours in other countries.

6. Referring to the situation of the Maori, he said that a historic settlement of Maori fishing claims had been implemented by the Treaty of Waitangi Settlement Act 1992. Under the settlement, the Maori acquired effective control over the quota for fishing in New Zealand, valued at $286 million, through a joint-venture company. Their share of the purchase ($150 million) had been funded by the Government. They had also been allocated 20 per cent of the new species (at an estimated value of $22 million) introduced into New Zealand's quota management system. Under the terms of the Maori Fisheries Act 1989, the Maori Fisheries Commission had been allocated quota and cash having an estimated value of $174 million. The 1992 Settlement Act also provided for the recognition and protection of non-commercial customary fisheries rights.

7. Proposals had also been made for resolving other Maori grievances under the Treaty regarding claims to land and natural resources. The Government was currently engaged in consultations with the Maori about those proposals. While the proposals in their current form had not been totally satisfactory, the need for continued dialogue was recognized. In January 1995, the Government had initiated reform of the arrangements under which certain Maori land had been leased. Under the reform, tenants no longer had the right to renew their leases perpetually and rents had been revised to market levels.

8. Under the Maori Option, Maori could be transferred to the Maori electoral roll. As a result, one additional Maori seat would be created for the first election under the new proportional representation system. Problems faced by Maori in the areas of employment, education and health were being addressed. Efforts were also being made to promote awareness of Maori concerns and appreciation of their special place in New Zealand society. In New Zealand, the first year of the International Decade of the World's Indigenous People had been designated Maori Language Year. The Year would be marked by community and government-sponsored activities, including a comprehensive study of the Maori language.

9. New Zealand's ratification of the Covenant in 1978 had been extended to the Cook Islands, Niue and Tokelau. The Cook Islands and Niue, as self-governing Territories in free association with New Zealand, were responsible for implementing their obligations under the Covenant within their own territory. As they had limited resources at their disposal, they had been unable to complete their reports on time for the current session of the Committee but would do so at the earliest possible date.

10. The most significant developments in Tokelau, New Zealand's last remaining Non-Self-Governing Territory, included the relocation of the Tokelau Public Service and administration of Tokelau from Western Samoa to Tokelau; and the establishment of local governments through, inter alia, the establishment in 1992 of the Council of the Faipule, which acted as an executive agency to the General Fono, the paramount political institution of Tokelau. He also mentioned the adoption of the Tokelau Administration Regulations 1993, which delegated the powers of the Tokelau Administrator to the General Fono; the delegation of powers of the New Zealand State Services Commissioner to the Tokelau Public Services Authority; and the development of legislation by the General Fono. Efforts were also under way to establish a new crimes regulations system adapted to Tokelauan customs.

11. In June 1994, the General Fono had adopted the National Strategic Plan, which expressed Tokelau's desire to be self-reliant to the greatest extent possible. In July, the people of Tokelau had informed a delegation of the United Nations Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples that Tokelau was considering the adoption of an act of self-determination and of a constitution, and that it had a strong preference for free association with New Zealand.

Constitutional and legal framework within which the Covenant is implemented, right to self-determination, state of emergency, non-discrimination and equality of the sexes (articles 1, 2, 3, 4 and 26 of the Covenant) (section I of the list of issues)

12. The CHAIRMAN read out section I of the list of issues concerning the third periodic report of New Zealand, namely: (a) the resolution of inconsistencies between the provisions of the Covenant, which had not been incorporated into domestic law, and any provisions of domestic law, including the Bill of Rights (paras. 46-48 of the report), and the legal status of any views regarding New Zealand adopted by the Committee under the Optional Protocol; (b) the legal status of the Bill of Rights, in view of the fact that it had not been entrenched and that, consequently, courts were disabled from striking down legislation on the ground of inconsistency with its provisions, and New Zealand's intentions of incorporating it; (c) description, in the light of the discussion on that subject during consideration of the second periodic report, of the experience gained in granting foreign nationals the right to vote after they became permanent residents in New Zealand, and rights of re-entry of non-nationals who were permanent residents; (d) the effects of the repeal of employment equity legislation and the introduction of the Employment Contracts Act 1991 (para. 112 of the report) on the earnings level of women and their participation in the workforce, and particular effects on Maori women and Pacific Islander women; (e) effect of section 151 (2) of the Human Rights Act 1993, which appeared to postpone the operation of the new prohibited grounds of discrimination until the year 2000, and its compatibility with the Covenant; (f) New Zealand's intentions of reviewing the extent of its reservations to the Covenant in the light of the Committee's general comment No. 24 (52); (g) the extent of New Zealand's remaining jurisdiction over the Cook Islands and Niue (para. 2 of the core document (HRI/CORE/1/Add.33)) and, in view of the fact that the part of the second periodic report relating to the Cook Islands and the part

of the third periodic report relating to Niue had not yet been submitted, measures envisaged by the authorities to comply with the reporting obligations under article 40, paragraph 1 (b), of the Covenant; (h) experience thus far with the devolution of certain legislation-making power to the General Fono of Tokelau (paras. 145-152 of the report); (i) whether the International Terrorism (Emergency Powers) Act 1987 had been repealed following comments to that effect by the Committee in April 1989 and the adoption of similar recommendations by the New Zealand Law Commission in 1991 (paras. 28-30 of the report).

13. Mr. KEATING (New Zealand), responding to the issues raised in section I (a), said that in a recent case, the Court of Appeal had noted that one of the purposes of the Bill of Rights Act 1990 was to reaffirm the Covenant - indeed, that was explicitly stated in the Act - and had found that civil damages could be claimed for breaches of the Bill of Rights Act. The Court had also relied on the availability of remedies under the Covenant. Thus, the provisions of the Covenant and the proceedings of the Human Rights Committee could be taken into account by New Zealand courts in implementing domestic law, in particular the Bill of Rights.

14. Concerning section I (b) of the list of issues, he said that the Government had initially proposed entrenchment of the Bill of Rights as supreme law but public reaction had been unfavourable. In general, New Zealand society was reluctant to accept the concept of entrenchment and, in that particular case, was wary of transferring power from elected representatives to non-elected judicial officers. Accordingly, on the basis of public hearings, the Parliament had decided that the Bill of Rights should be enacted as an ordinary statute which could be amended or superseded.

15. With regard to section I (c) of the list, he said that, under the current Electoral Act 1993, all New Zealand citizens and permanent residents were eligible to vote on an equal basis. That had also been the case under the previous Electoral Act, which had been in force since 1956. Concerning the right of re-entry, permanent residents who were not citizens were eligible, on their departure from New Zealand, to apply for a returning residence visa valid for multiple re-entries within a four-year period. If they were absent for more than four years, they could still apply for a returning residence visa but its validity would be limited if they had spent less than two of those four years in New Zealand.

16. Turning to section I (d), he said that his Government believed that encouraging employers to adopt equal employment opportunity policies and practices was more effective than prescriptive legislation. The Government actively promoted equal employment opportunity practices in the private sector. In 1991, it had established the Equal Employment Opportunities Trust, designed to promote equal employment opportunities as a form of good business management. The Trust was jointly funded by the Government and employers and had developed a database of equal employment opportunity resource materials available to interested individuals or groups. It promoted its resources and services through employer and employee networks. The Government had also established an Equal Employment Opportunities Fund, which made funding available on the basis of competitive bidding for projects to promote equal employment practices by private-sector employers. Under the State-Owned Enterprises Amendment Act and

the State Sector Act, state-owned enterprises and regular public services were required to maintain equal employment opportunity programmes. It was too early to determine whether the new Employment Contracts Act had had any impact on women in the workplace. However, average earnings statistics suggested that, in the past five years, the gender earnings gap had remained virtually unchanged. Women continued to earn about 80 per cent of men's hourly earnings. As earnings data was not disaggregated on the basis of ethnicity, no statistics were currently available on the particular effects of the Employment Contracts Act on Maori and Pacific Islander women.

17. Referring to section I (e) of the list of issues, he said that the Human Rights Act 1993 had introduced new grounds of non-discrimination, such as age, disability, employment status, family status and sexual orientation into New Zealand legislation. Currently, all legislation was being reviewed in order to determine whether it complied with the new criteria. The review would be completed by 1999. In addition, under section V of the Human Rights Act, the Human Rights Commission was reviewing all legislation and government policies and practices in order to identify unlawful discrimination. It would submit a report on its findings to the Minister of Justice by 31 December 1998.

18. Responding to the issues raised in section I (f), he said that, currently, no formal procedure existed for reviewing reservations to international instruments. However, the Government did engage in periodic reviews, as evidenced by the withdrawal of one of its reservations to the Convention on the Elimination of All Forms of Discrimination against Women. New Zealand believed that the reservations it had made to the Covenant and to general comment No. 24 (52) were not incompatible with the object and purpose of the Covenant. It had no intention of withdrawing those reservations at the current juncture. The delegations would make specific comments on articles 12 and 22 in answer to the relevant questions of the Committee.

19. With reference to the question contained in section I (g) of the list of issues, he explained that the Cook Islands and Niue had exercised their right to self-determination and were fully self-governing while in free association with New Zealand. They therefore had exclusive legislative and executive jurisdiction over their own territory and submitted their own reports to human rights bodies. New Zealand provided assistance to the Cook Islands and Niue in the drafting of the relevant reports. He asked the Committee to bear in mind that the reports would often be late owing to the limited administrative resources of the islands.

20. Regarding section I (h), he said that the substantial executive powers of the Tokelau administrator, formerly a New Zealand official, had been transferred to the General Fono; a full-time executive agency had been established to assist the General Fono; the New Zealand state services commissioner had delegated his powers of appointment to two Tokelau public service commissioners; special commissioners had been appointed with the task of reviewing Tokelau laws in order to reflect local customs and needs; and a delegation from the United Nations Special Committee on decolonization had visited Tokelau to learn about the islanders' move towards self-determination while remaining in free association with New Zealand.

21. In answer to the question about the proposed repeal of the International Terrorism (Emergency Powers) Act contained in section I (i), it was explained that the issue had been referred to the New Zealand Law Commission. The Commission had adopted a recommendation that the Act should be repealed only when it had completed its deliberations on other related issues such as police questioning, powers of search and arrest, and powers of entry. The New Zealand Government hoped to receive those recommendations from the Law Commission in the near future, and when it had done so it would proceed to repeal the Act.

22. Regarding measures that had been taken to disseminate information on the rights recognized in the Covenant and the issue of whether national institutions and the public had in any way been involved in the drafting of the third periodic report, he said that the New Zealand Human Rights Commission had been mandated to promote by education and publicity respect for and observance of human rights, specifically in accordance with relevant United Nations instruments. Although no informational materials had yet been issued, the Human Rights Commission was addressing individual inquiries. It also planned to publish a guide on lodging communications with the Human Rights Committee under the Covenant when national legal remedies had been exhausted. The third periodic report had been prepared through extensive consultation between Government departments and ministries. A wide range of quasi-governmental bodies had also been involved, such as the Maori Language Commission, the Human Rights Commission, the Office of the Privacy Commissioner, the Police Complaints Authority, the Public Health Commission and the State Services Commission. The New Zealand public was kept informed of the third periodic report through publications and bulletins from the Ministry of Foreign Affairs and Trade.

23. Mrs. EVATT congratulated the New Zealand delegation on its report and noted that there had been improvement with respect to all articles of the Covenant. With regard to paragraph 14 of the report, she asked whether any inquiries into human rights infringements had actually been undertaken or contemplated by the Human Rights Commission. If so, the Committee would be grateful for further information about the kinds of issues involved.

24. She noted that the New Zealand Bill of Rights was silent on the question of legal remedies, and requested the reporting State to provide further information about remedies that were available. She indicated that the issue had direct relevance to the communications procedure of the Human Rights Committee, and asked what provisions had been made for mechanisms to ensure that the Committee's recommendations were complied with in domestic law.

25. On the issue of equal employment opportunity provisions and the repeal of earlier laws which had been replaced by the voluntary system, she said the Committee would be interested to learn whether the new system was being systematically monitored to ensure that wage differentials between men and women were actually being reduced. She also inquired how gender-neutral job evaluation was to be carried out under the new system and what machinery was in place for dealing with violations.

26. Mrs. HIGGINS asked for more details about the proposals for settlement of claims by the Waitangi Tribunal, and specifically whether the proposals represented a capping with reference to time or the financial resources that

would be made available to settle claims. It was also unclear whether the proposals would be imposed in spite of continuing disagreement by the Maori leadership. On the legislation pertaining to fisheries claims settlements, the reporting State should clarify the passage in the relevant Act which stated that treaty obligations would continue but rights in the Maori would not.

27. With reference to section 4 (b) of the New Zealand Bill of Rights, which disabled courts from striking down legislation on the ground of inconsistency with the Bill's provisions, she wondered why more of the Covenant had not been incorporated in the Bill. Furthermore, the report indicated that certain pieces of legislation had gone forward notwithstanding the Attorney-General's reservations about their compatibility with the Bill of Rights. The Committee would appreciate further information about any legislation regarded as problematic in relation to the Bill of Rights and thus by definition to the Covenant as enshrined therein.

28. Lastly, regarding the question of the legal status of any views regarding New Zealand adopted by the Committee under the Optional Protocol as contained in section I (a) of the list of issues, the Committee would appreciate further information on the mechanisms whereby anyone who was in principle entitled to a certain remedy could seek that remedy.

29. Mr. Bán, Vice-Chairman, took the Chair.

30. Mr. LALLAH, with reference to section I (a) of the list of issues, said that the Committee was not so much concerned about future interpretations that the courts might give, but rather about what action would be taken on the views expressed by the Committee.

31. On the issue of the Bill of Rights, he requested more information about the criticisms which had been made of that instrument within New Zealand. He also noted that section 4 (a) of the Bill appeared to give a lower status to the Bill and the Covenant than to ordinary law, and asked the reporting State to comment further on that point.

32. He said that paragraph 5 of the report had some bearing on article 2, paragraph 3 of the Covenant since it indicated that the right of appeal to the Privy Council might be abolished in the near future. New Zealand should clarify what if any appellate body would replace the Privy Council. He also pointed out that under article 2, paragraph 3, of the Covenant, States parties were obliged to ensure access to effective remedies; given the imperfections of section 4 of the Bill of Rights, he wondered how the New Zealand Court of Appeal would find ways to uphold claims for damages arising from violations of the Bill.

33. On the topic of entrenchment of the Covenant, he inquired whether the New Zealand Government had considered putting the whole issue to a referendum rather than simply leaving it to political leaders.

34. Referring to paragraph 15 of the third periodic report, he failed to understand why the words "or other status" as contained in article 2, paragraph 1, of the Covenant had been omitted from the list of grounds for

non-discrimination, and invited the reporting State to share its interpretation of that phrase with the Committee.

35. Paragraph 26 (b) of the report stated that payment of maintenance was enforced by a Department and that a Family Court could then review and reassess the amount of maintenance payable at the request of either parent only on very restricted criteria. More information was needed on the precise nature of those restrictive criteria, as was an explanation of why a judicial recourse appeared to be determined and limited by administrative guidelines.

36. Mr. MAVROMMATIS asked, if the purpose of the Bill of Rights Act was to affirm New Zealand's commitment to the Covenant, why it had omitted any specific reference to the distinctions prohibited in article 2, paragraph 1, of the Covenant. If the Committee were to recommend compensation to an individual on the basis of a communication, he was curious to know whether mechanisms already existed for compensating the author, or whether a law would have to be enacted to give effect to the decision.

37. Mr. PRADO VALLEJO said that New Zealand should be commended for the effective steps it had taken to guarantee human rights through improvements in its domestic legislation. Nevertheless, a few concerns remained. From his reading of paragraph 6 (f) of the report, it seemed that judges must enforce laws that were incompatible with international human rights instruments. Apparently the Covenant was subordinate to New Zealand law, and, contrary to article 2 of the Covenant, if the Covenant and internal law were in conflict, the law would be applied. That led to the question of the primary obligations of States parties to harmonize their legislation with international law.

38. He would be interested in hearing about the current legal status of the law on terrorism. Further clarification was also required of the scope of the provisions against indirect discrimination mentioned in paragraph 19 of the report and what was meant by "good reason". More information would also be welcome on unlawful grounds for discrimination and the jurisprudence in that area. He wished to know if the Human Rights Commission had the power to initiate action in favour of human rights or against violations.

39. Efforts had been made to respect the rights of minorities and indigenous communities in the law, but in practice, discrimination still existed in education and employment opportunities. He wondered if any special programmes had been established to prevent that type of discrimination.

40. Mr. KRETZMER said that, in contrast to the Covenant, both the Bill of Rights Act and the Human Rights Act contained a closed list of grounds for discrimination. It could be argued in court that such limitation was intentional and that only certain grounds for discrimination would be admitted. More elaboration on the background of the Bill of Rights Act and the reasons why language was not mentioned among the potential areas of discrimination was needed. Regarding the question of discrimination in employment, section 25 of the Human Rights Act, on work involving national security, gave almost complete discretion to the national security authorities to deny employment on the basis of religious or ethical beliefs, political opinion, disability or national origin. He wondered how such decisions of the national security authorities

were supervised. Section 26, concerning work performed outside New Zealand, could appear to legitimize laws, customs and practices of other countries that were incompatible with the Covenant and other human rights treaties.

41. Mr. KLEIN said that, in his view, the Covenant deserved to be more deeply entrenched in New Zealand's legal system. The concept of the sovereignty of Parliament would not exclude giving the Bill of Rights Act precedence over other acts as long as they could be repealed by Parliament. In that context, he drew attention to the obligations of States parties under article 2 of the Covenant.

42. Section 5 of the Bill of Rights Act served as a general guideline for the justified limitations of rights, but he wondered whether it might open the way to placing limits on human rights that were not limited under international covenants. For example, it might be used as a justification for the limitation of the rights of minorities under section 20, whereas article 27 of the Covenant did not place any special limitations on such rights. He requested clarification of the understanding of the clause "demonstrably justified in a free and democratic society" in New Zealand jurisprudence and on the role of the principle of proportionality in its legal system.

43. Mr. ANDO asked whether the village electoral process in Tokelau had any special characteristics as compared with the electoral system in New Zealand. He would also like to learn more about any conflicts the Government had encountered between the Covenant and customary law in Tokelau.

44. Mr. EL-SHAFEI welcomed the fact that the report had taken into account the views and observations which the Committee had expressed when examining the second periodic report from New Zealand, and that it responded to most of the observations made by the Committee at that time.

45. The report reflected a number of significant developments which had taken place in a short period, such as the passage into law of the New Zealand Bill of Rights Act 1990 and the accession of New Zealand to the first and second Optional Protocols to the International Covenant on Civil and Political Rights. Some additional information was still needed regarding the application of the terms of the Covenant in the Non-Self-Governing Territory of Tokelau.

46. He would welcome further information regarding the enactment of the Bill of Rights, as well as evidence to show that New Zealand was fully committed to systematic review and amendment of its laws in order to make them compatible with the provisions of the Covenant.

47. Mr. Aguilar resumed the Chair.

48. Mr. BUERGENTHAL, referring to paragraph 8 of the report, requested additional information regarding areas in which it was thought that the Bill of Rights might conflict with other legislation. That could have some bearing on the issue of exhaustion of domestic remedies. Also, referring to paragraph 14 of the report, he asked what was the relationship between the role of the Attorney-General and the duty of the Human Rights Commission to report to the Prime Minister, and whether there was any interaction between the two.

49. He wondered whether in future it would be desirable for a representative of the Human Rights Commission to accompany the New Zealand delegation to meetings of the Committee, in order to report on any problems and difficulties encountered by the Commission.

50. Mr. POCAR congratulated the New Zealand delegation on the quality of the report, which fully complied with the Committee's guidelines. Referring to paragraph 18 of the report, which defined the areas in which discrimination was prohibited, he asked what would happen if a person were to be discriminated against in an area other than those mentioned.

51. He wondered under what law a citizen could seek remedy in a case of governmental discrimination in an area not covered by the Human Rights Act, such as pension rights.

52. Mr. KEATING (New Zealand), referring to a question asked by Mrs. Evatt regarding the implementation of the Committee's recommendations, said that if it were simply a matter of administrative action by an executive agency, the Government would consider that it had a duty to fulfil an international legal obligation. If the action to be taken was outside the province of the Government, the situation would be more complex: for example, if it was a matter of a decision of the Privy Council, which was the country's highest court, or a decision of Parliament, considerable difficulties could be involved, but the Government would of course, in accordance with its policy of fulfilling its human rights obligations, endeavour to find an appropriate solution, giving due weight to the recommendations of the Committee.

53. Referring to a question asked by Mrs. Higgins as to why only certain parts of the Covenant were reflected in the Bill of Rights, he said that the Government felt that it was not necessary to have a comprehensive, exhaustive code reflecting the entire Covenant. The characteristics of the Bill of Rights should be seen in the appropriate historical context, and the reasons for its enactment were part of a domestic political process. The New Zealand legal system was based on principles of the common law, and enactment of statute law took place only when the need for it was clear and identifiable. Those human rights standards which were not explicitly reflected in the Bill of Rights would continue to be complied with, just as they had been before the Bill of Rights had come into being.

54. Referring to questions regarding the Cook Islands and Niue, he recalled that New Zealand did not have executive competence in respect of those self-governing States. Although the New Zealand Government would do its best to use whatever means of persuasion and financial and material assistance were available to it, it would resist very vigorously the notion that it had any liability for a delict on the part of the Cook Islands or Niue.

The meeting rose at 1 p.m.